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Attorneys for the Debtor(s)

IN RE: UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
CHAPTER 13
CASE NO.: 19-15753 (CMG)
ALLEN MIDDLETON,
DEBTOR(S).

**DEBTOR'S CERTIFICATION RELATING
TO TRUSTEE'S CONFIRMATION OBJECTION**

ALLEN MIDDLETON, OF FULL AGE, HEREBY CERTIFIES AS FOLLOWS:

1. I am the Debtor and I am filing this Certification in
pertaining to the Trustee's Confirmation Objection.

2. The Trustee had taken issue with items in the means test.
Now that the means test portion of the petition has been amended,
to reflect the proper income, I believe this would principally
address the Trustee's objection as it pertains to the median
income.

3. The reason for the issue pertains to my income. I am paid
on a bi-weekly basis, every two weeks. There is no overtime, I am
a salaried employee and my salary is \$70,000 per year. The regular
pay that I receive is \$2,691.31, every two weeks. When multiplied
by 2.16, that amounts to \$5,813.23, on a monthly basis, and yearly
it is \$69,758.76, which is just shy of my annual salary. So
figuring this pay every two weeks is the proper way to determine my
monthly income.

1 4. The means test has now been amended to properly reflect
2 what I earn on a monthly basis.

3 5. The reason for the discrepancy has to do with reimbursement
4 for actual expenses that I incur pertaining to employment.

5 6. I am employed with SDI Industries as a facilities manager.
6 As part of employment, I travel regularly to sites across the
7 country. I pay for expenses when I travel such as lodging, food
8 and airfare and then my employer, upon submission of the receipts
9 and expense vouchers, reimburses me for the expenses.

10 7. The expenses are denoted under deductions on my pay advices
11 and labeled as per diem, but as the pay advise shows, these sums are
12 actually added in. I am not certain of the reason for that, but if
13 they are added in they have to be deducted since they represent not
14 income but an actual real expense in connection with employment,
15 for which the employer reimburses me.

16 8. When my attorneys computed the median income and I supplied
17 pay advices, it appears that the year to date gross figure was
18 used. That was proper, but, if the median income was computed in
19 that manner, there should have been an equivalent deduction for all
20 of the expenses to date. This is not readily apparent but was
21 scheduled as a footnote in Schedule I of the petition as follows:
22 "I get occasional per diem income on my checks when I travel which
23 merely covers my travel related expenses".

24 9. The better way of computing the median income is
25 multiplying the gross figure by 2.16 as noted above and the same
26 with the check deductions.

27 10. I believe that the Trustee similarly, premised on the pay
28 advises provided and the petition, made this mistake of including

1 the reimbursement of expenses, as income.

2 11. So the net monthly income is \$3,892.06, nearly matches the
3 petition which shows a net monthly income of \$3,801.74. The
4 difference in the figures is small and pertains to insurance
5 obligations being taken out and varying tax amounts and I note that
6 the gross scheduled figure is exactly the same as on the pay
7 advices.

8 12. I've attached, for review by the Court and the Trustee,
9 two pay advices. One of the pay advices contains 'Perdiem' in the
10 deduction section which is preceded by a minus sign but upon
11 further review it is actually added in versus the deductions which
12 are actually subtracted from the gross pay. The Perdiem represents
13 actual expenses I have incurred during company travel for which I
14 am reimbursed dollar for dollar upon presentation of the charges to
15 the company through and expense log.

16 13. When all of this is taken into account, the income figures
17 match closely those on the petition filed with the Court. The
18 expenses claimed are more than reasonable and all income including
19 tax refunds are included on the petition, as it relates to the
20 income and expense schedules of the petition. In terms of the B-22
21 calculations, now that the expenses are not included as income, the
22 end result is a negative \$1,065 and even accounting for the issues
23 raised by the Trustee, at the end, there will still be a negative
24 and hence there is no set amount to pay under the plan. In
25 addition, as my attorney noted, resort to the budget is necessary
26 here in that the B-22 is directly at odds with current income and
27 expenses and case-law then directs us to look, more sensibly, at
28 current income and expenses.

1 14. For these reasons and the reasons already mentioned in the
2 response to the Trustee's Confirmation Objection filed by my
3 attorney, the Court should confirm this case.

4 15. I certify that information is true and correct to the best
5 of my knowledge.

6 Dated: October 20, 2019

7 /S/ ALAN MIDDLETON

8 Allen Middleton
DEBTOR

SDI INDUSTRIES INC
13000 PIERCE ST
PACOIMA, CA 91331

Direct Deposit Advice



Check Date
September 27, 2019

Voucher Number

DIRECT DEPOSIT VOUCHER	Direct Deposits Type	Account	Amount
	Pnc Bank, NewC Jersey	****	1,992.25
	Total Direct Deposits		1,992.25

Allen Middleton
1305 N Oak Blvd
North Brunswick, NJ 08902

Non Negotiable - This is not a check - Non Negotiable

SDI INDUSTRIES INC

Allen Middleton

Earnings Statement

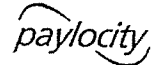
Employee ID	Fed Taxable Income	2,394.29	Check Date	September 27, 2019	Voucher Number	
Location	Fed Filing Status	S-1	Period Beginning	September 9, 2019	Net Pay	1,992.25
Salary	State Filing Status	S-1	Period Ending	September 22, 2019		

Earnings	Rate	Hours	Amount	YTD	Deductions	Amount	YTD
401K MAT		0.00	20.19	403.80	401K	80.77	1,615.40
Basic Life		0.00	5.25	47.25	401K LOAN	26.69	533.80
Employer C		0.00	197.50	3,495.00	AFLAC ACCIDENT	14.28	285.60
HOLIDAY				1,665.70	AFLAC CANCER	31.44	628.80
REGULAR	26.40	78.00	2,058.83	44,864.74	AFLAC HOSPITAL	15.36	307.20
SICK				1,279.17	ANTHEM MEDICAL	102.90	1,813.38
VACATIO	26.40	24.00	633.48	6,036.59	DENTAL INS	49.21	438.60
Gross Earnings		102.00	2,692.31	53,846.20	PERDIEM	-225.00	-3,510.00
					VISION	4.06	73.08
Taxes			Amount	YTD	VOL LIFE	17.55	315.90
FITW			299.76	6,170.87	Deductions	117.26	2,501.76
MED			35.89	729.35			
NJ			93.69	1,873.80	Direct Deposits Type	Account	Amount
NJFLI-E			0.00	27.74	Pnc Bank, New C	***4509	1,992.25
NJSDI-E			0.00	58.52	Jersey		
NJSUI-E			0.00	131.60	Total Direct Deposits		1,992.25
NJWD-E			0.00	9.03			
NJWD-ES			0.00	6.01	Time Off	Used	Availabl
SS			153.46	3,118.57	SICK	40.00	0.00
Taxes			582.80	12,125.49	VACATIO	160.00	37.95

SDI INDUSTRIES INC

13000 PIERCE ST
PACOIMA, CA 91331

Direct Deposit Advice



Check Date
October 11, 2019

Voucher Number

DIRECT DEPOSIT VOUCHER

Direct Deposits	Type	Account	Amount
Pnc Bank, NewC		***	1,801.88
Jersey			
Total Direct Deposits			1,801.88

Allen Middleton
1305 N Oak Blvd
North Brunswick, NJ 08902

Non Negotiable - This is not a check - Non Negotiable

SDI INDUSTRIES INC

Allen Middleton

Earnings Statement

Employee ID		Fed Taxable Income	2,443.50	Check Date	October 11, 2019	Voucher Number	552964
Location		Fed Filing Status	S-1	Period Beginning	September 23, 2019	Net Pay	1,801.88
Salary	\$2,692.31	State Filing Status	S-1	Period Ending	October 6, 2019		

Earnings	Rate	Hours	Amount	YTD
401K MAT		0.00	20.19	423.99
Basic Life				47.25
Employer C		0.00	197.50	3,692.50
HOLIDAY				1,665.70
REGULAR	31.67	77.00	2,438.92	47,303.66
SICK				1,279.17
VACATIO	31.67	8.00	253.39	6,289.98
Gross Earnings		85.00	2,692.31	56,538.51
Taxes			Amount	YTD
FITW			310.59	6,481.46
MED			36.60	765.95
NJ			93.69	1,967.49
NJFLI-E			0.00	27.74
NJSDI-E			0.00	58.52
NJSUI-E			0.00	131.60
NJWD-E			0.00	9.03
NJWD-ES			0.00	6.01
SS			156.50	3,275.07
Taxes			597.38	12,722.87

Deductions	Amount	YTD
401K	80.77	1,696.17
401K LOAN	26.69	560.49
AFLAC ACCIDENT	14.28	299.88
AFLAC CANCER	31.44	660.24
AFLAC HOSPITAL	15.36	322.56
ANTHEM MEDICAL	102.90	1,916.28
DENTAL INS		438.60
PERDIEM		-3,510.00
VISION	4.06	77.14
VOL LIFE	17.55	333.45
Deductions	293.05	2,794.81

Direct Deposits	Type	Account	Amount
Pnc Bank, New C		***4509	1,801.88
Jersey			
Total Direct Deposits			1,801.88

Time Off	Used	Availabl	UsedS
SICK	40.00	0.00	
VACATIO	168.00	34.56	